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**FISCAL IMPACT STATEMENT**

**LS 6917**

**BILL NUMBER: SB 264**

**NOTE PREPARED:** Dec 19, 2006

**BILL AMENDED:**

**SUBJECT:** Habitual Offender.

**FIRST AUTHOR:** Sen. Walker

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State

**Summary of Legislation:** The bill provides that the state may seek to have a person sentenced as a habitual offender by alleging and proving that the person has accumulated at least two prior unrelated felony convictions. It specifies that the state may use the same prior unrelated felony convictions in a later habitual offender proceeding that were used in an earlier habitual offender proceeding. It permits the state to introduce the person's entire criminal history in the habitual offender sentencing hearing.

**Effective Date:** July 1, 2007.

**Explanation of State Expenditures:** Under current law, the state may seek to have an offender sentenced as a habitual offender if the person has accumulated two prior unrelated felony convictions. The bill changes the requirement to 'at least' two prior unrelated felonies. There are no data to indicate if the state would seek to have fewer offenders sentenced as habitual offenders if there may be more prior unrelated offenses accumulated.

Also, under the bill, the state may introduce the person's entire criminal history and prior convictions used previously to prove habitual offender status may be used in the current proceedings. To the extent that the bill codifies procedures already used by the courts, the bill would have minimal fiscal impact. However, if more offenders are found to be habitual offenders as a result of the broader criteria, costs for incarceration could increase.

*Background on Habitual Offenders:* The sentence for a habitual offender is an additional fixed term of incarceration that is not less than the advisory sentence (the midpoint between the minimum and maximum sentence) for the underlying offense or greater than three times the advisory sentence for the underlying

offense. The additional term may not exceed 30 years.

As of December 1, 2006, there were 1,523 offenders in Department of Correction facilities sentenced as habitual offenders. The following table shows the number of offenders sentenced as habitual offenders by felony class and the average additional fixed sentence.

Felony Class	Number of Habitual Offenders	Average Additional Fixed Term (Years)*
A	224	74.1
B	637	34.9
C	401	16.7
D	147	7.4
Murder	113	99.0
Habitual Offender	1	45.0

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:**

**Information Sources:**

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